

Exhibit I

Declaration of K. Keller

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
BISMARCK DIVISION

STATE OF IOWA, *et al.*,

Plaintiffs,

v.

COUNSEL ON ENVIRONMENTAL
QUALITY, and BRENDA MALLORY,
in her official capacity as Chair.

Defendant.

Case No.

DECLARATION OF KYLE KELLER

I, Kyle Keller, declare under penalty of perjury that the following is true and correct:

1. My name is Kyle Keller. I am over 21 years of age and am fully competent and duly authorized to make this declaration. The facts contained in this declaration are based on my personal knowledge and are true and correct.

2. I am the Project Development Division Engineer for the Nebraska Department of Transportation (NDOT) and have been in this position since May 2024. As the Project Development Division Engineer, my responsibilities include leading a division of approximately 65 full-time employees for environmental services, location studies, project scoping, and preliminary survey and processing. The division oversees development and compliance with NEPA and USACE Permitting for projects within the Nebraska State Transportation Program

3. Nebraska agencies, including the NDOT, are involved in complying with federal NEPA laws and regulations to give proper consideration to the environment.

4. NDOT depends upon the timely approval of its environmental documents (NEPA Analysis/Corridor Studies) to advance projects to the next transportation development phase, maintain project funding and deliver projects on schedule, all while meeting applicable environmental requirements.


5. If NDOT is required to expand the scope of its analysis and/or engage in duplicative public engagement, NDOT will incur new expenses that have not been budgeted and projects will undoubtedly experience delays. Additionally, based upon DOT's existing comprehensive analysis and public outreach, this "updating" of project information mandated by the CEQ's Phase 2 Rule can lead to public confusion and wariness given lack of project certainty.

6. All projects that utilize federal funding are subject to federal NEPA laws and regulations. Examples of key upcoming projects in Nebraska that may be directly affected by the Final Rule include, but are not limited to, Central City Viaduct, Minatare to US-385 expressway expansion, Bridgeport Viaduct, Decatur Bridge (into Iowa), York – Columbus expressway expansion, and Norfolk – Wisner US-275 expressway expansion.

7. The Final rule will require additional evaluation beyond what is currently required for each of these projects.

8. These additional evaluations will cost the State of Nebraska both money and time as they will require additional resources to implement.

Kyle G. Keller, PE

 2024.07.30
16:46:17-05'00'